

### **IN THE CLAIMS**

Please amend the claims as follows.

Claims 1-34: Canceled

35. (Currently amended) A ~~capillary~~ An apparatus for taking up a medium to be analyzed, comprising:

a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius; and

a pump, said pump producing a negative pressure in said pipette wherein said produced negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome.

36. (Currently amended) The ~~capillary~~ apparatus according to claim 35, further comprising a pump controller controlling said pump and said negative pressure produced by said pump.

37. (Currently amended) The ~~capillary~~ apparatus according to claim 35, wherein said critical pressure within said pipette is defined by:

$$P=2\cdot S/r$$

where S denotes said surface tension of said liquid present in said at least one pore, and r denotes said given radius of said at least one pore.

38. (Currently amended) The ~~capillary~~ apparatus according to claim 35, wherein the medium to be analyzed is said liquid.

39. (Currently amended) The capillary apparatus according to claim 35, wherein the medium to be analyzed is not said liquid.

40. (Currently amended) The capillary apparatus according to claim 35, wherein said diaphragm is hydrophilic or hydrophobic.

41. (Currently amended) A method for taking up a medium to be analyzed, the method comprises:

providing a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius; and  
producing a negative pressure in said pipette, wherein said produced negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome.

42. (Currently amended) The method according to claim 41, the method further comprises the step of controlling ~~said pump~~ and said negative pressure produced by ~~said a~~ pump by using a pump controller.

43. (Previously presented) The method according to claim 41, wherein said critical pressure within said pipette is defined by:

$$P=2 \cdot S/r$$

where S denotes said surface tension of said liquid present in said at least one pore, and r denotes said given radius of said at least one pore.

44. (Previously presented) The method according to claim 41, wherein the medium to be analyzed is said liquid.

45. (Currently amended) The method according to claim 41, wherein the medium to be analyzed is a gas ~~not said liquid~~.

46. (Previously presented) The method according to claim 41, which further comprises configuring said diaphragm to be hydrophilic or hydrophobic.

47. (New) An apparatus for taking up a medium to be analyzed, comprising:

a pipette for taking up the medium to be analysed, said pipette having a diaphragm containing at least one pore of a given radius;

a pump producing a negative pressure in said pipette; and

a control measure controlling said negative pressure produced by said pump so said negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome, thereby ensuring that no other medium other than the medium to be analyzed is taken up said pipette.

48. (New) A method for taking up a medium to be analyzed comprising:

providing a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius;

producing a negative pressure in said pipette; and

controlling said negative pressure by using a control measure, wherein said produced negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome, thereby ensuring that no other medium other than the medium to be analyzed is taken up said pipette.